

**Appl. No.** : 09/903,999  
**Filed** : July 12, 2001

#### REMARKS

Claim 7 has been canceled without prejudice. Accordingly, Claims 1-6 and 8-15 are pending in this application. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

#### Rejection of Claim 7 Under 35 U.S.C. § 102

Claim 7 has been rejected under 35 U.S.C. 102(b) as being anticipated by Martin (US 5,712,704). However, Claim 7 has been canceled without prejudice. Thus, this rejection is moot.

#### Rejection of Claims 1-6 and 8-15 Under 35 U.S.C. § 103

Claims 1-6 and 8-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gutierrez (US 5,706,084) and in view of Yeh (EPO 209,721). However, the claims could not be obvious over the references as explained below.

In the presently claimed invention, two light beams are employed for analyzing the anisotropy of a sample. That is, as described in paragraphs 0017 and 0018 of the Applicant's specification, a beam 1 and a beam 2 are formed through a half mirror 2, and the plane of polarization of the beam 1 is rotated by 90 degrees at a half-wave plate 7. The beam 1 and the beam 2 are then superimposed and introduced into a sample A. After passing through the sample, the superimposed light beam is divided into a beam 1 and a beam 2 again through a beam splitter 5 and superimposed again at a half mirror 4 to project an interference pattern on a screen 6. The anisotropy of the sample A can be measured by the pattern shift of the interference pattern.

In this way, in order to measure the anisotropy of the sample precisely, it is required to utilize the two light beams. Although the anisotropy of the sample can be measured by only one beam as recited in the canceled Claim 7, the measurement accuracy is degraded.

In contrast, Yeh utilizes only one light beam. As is apparent from Fig. 1 of Yeh, only one light beam is introduced into a photoelastic material 20. Therefore, Yeh is similar to the method as recited in the canceled Claim 7, not to the method as recited in Claim 1.

Gutierrez also utilizes only one light beam as is apparent from Fig. 1 of Gutierrez. Although Gutierrez uses a polarizer 26 and an analyzer 32 and describes two orthogonal plane polarized beams, no configurations of using two beams are shown. Further, contrary to the

Appl. No. : 09/903,999  
Filed : July 12, 2001

Examiner's statement that in Gutierrez, "The resulting interference fringes are detected by the detector" (page 9), the interference obtained in Gutierrez is detected as increases and decreases of signal from a photodetector 34, and the detected signal will be a sinusoidal signal of the same frequency as the oscillator 25 (the paragraph bridging columns 6 and 7, and the second paragraph in column 7). Thus, in Gutierrez, no step of observing an interference pattern is conducted.

As to Claim 8, it is required to have specific configurations to dispose a light beam-dividing means such as the half mirror in front of the sample. Neither Gutierrez nor Yeh teaches or suggests disposing the light beam-dividing means such as the half mirror in front of the sample.

In conclusion, the present invention is entirely different from Gutierrez and Yeh in measurement principle. Thus, Claims 1 and 8 could not be obvious over the references. The remaining claims are ultimately dependent on either one of Claims 1 and 8. As with Claims 1 and 8, the dependent claims also could not be obvious over the references. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 103(a).

#### CONCLUSION

In light of the Applicant's foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 22, 2003

By:



Katsuhiro Arai

Registration No. 43,315

Agent of Record

Customer No. 20,995

(949) 760-0404